IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 15818 OF 1999

Dated : 2nd August, 2005

Between:

D.V.Krupakara Rao

Petitioner

AND

The Ongole Municipality, Rep. By its

Commissioner, Ongole, Prakasham District

Respondent

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

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W.P. No. 15818 OF 1999

ORAL ORDER:

This writ petition is filed seeking the relief of directing the respondent

to consider the petitioner's plan in accordance with the Rules laid down under the A.P. Municipalities Act.

The petitioner purchased an extent of Ac.0.05 cents house sites on 3.6.1986 vide three registered documents in the name of Evangelist Living Evangelical Fellowship Church in TS No. 4 of Ward 5 of Block No.5s, Gopalanagaram, Ongole. While so, the petitioner made an application in 1995 to the respondent for providing water tap connection, which passed Resolution No. 419 dated 31.7.1995 for providing water tap connections to temples, mosques and churches, free of charges. Subsequently, the petitioner removed thatched hut and constructed RCC building and applied for approval of the plan for construction of the church and on 22.2.1999 the residents of Gopalanagaram made representation to the Collector, Ongole and the District issued orders dated 28.3.1999 permitting the petitioner to construct Church under Sec. 230 of the A.P. Municipalities Acts, subject to certain conditions. Then a suit OS No. 285 of 1999 came to be filed before the Prl. Junior Civil Judge, Ongole, by one Mr. P.Srinivasa Rao, seeking to restrain the petitioner from constructing any structure in the site and the learned Principal Junior Civil Judge passed orders in IA No. 901 of 1999, consequent to which the petitioner submitted a plan to the respondent and sought his approval for construction of the church on 24.6.1999, but till this day, the respondent has not accorded permission for construction of the church.

The respondent filed counter affidavit stating that after receipt of application for the grant of permission, the Municipality has prepared a preamble on 20.7.1999 and placed before the Council for its resolution in the meeting held on 28.7.1999 and it was resulted under Resolution No. 419 dated 28.7.1999, to request the Director of Town and Country Planning, A.P., Hyderabad, to grant permission and it is pending consideration before them right from 3.8.1999.

Having regard to these facts and circumstances of the case, it is evident that the proposal sent by the petitioner was forwarded to the

Director, Town and Country Planning, A.P., Hyderabad with the permission of the council for approval and it is pending consideration with the Director, pursuant to the Resolution No. 149 dated 28.7.1999 passed by the Municipal Council, Ongole right from 3.8.1999. Having regard to these facts, I deem it appropriate to direct the Director, Town and Country Planning, A.P., Hyderabad, to dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 2, 2005

MAS.